

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BARTCH,

Defendant.

DECISION AND ORDER
17-CR-79-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On January 19, 2018, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 44) recommending that a motion to dismiss the Indictment filed by the defendant, Joseph Bartch, (Dkt. No. 27) be denied.

On January 23, 2018, defendant Bartch filed objections to the Report and Recommendation. Dkt. No. 46. The United States filed a timely response (Dkt. No. 48), and the defendant replied (Dkt. No. 49). Oral argument was scheduled for March 26, 2018.

Pursuant to 28 U.S.C. §636(b)(1), the Court makes a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Oral argument is not required. Upon *de novo* review, and after considering the parties' arguments, the Court hereby adopts Magistrate Judge McCarthy's findings and conclusions. Accordingly, defendant Bartch's motion to dismiss is denied.

The parties shall appear to set a date for trial on March 26, 2018, at 10:00 a.m.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: March 23, 2018